UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,123	10/30/2001	David D. Faraldo II	05220.P004	7352

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EXAMINER
LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 August 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-54_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-54_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 October 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Claim Status

Claims 1-54 are pending. Claims 1-54 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-41, 43-51, 53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated

by US Pat No 6,219,648 issued to Jones et al (hereafter Jones).

Claims 1, 21, 34 and 45:

Jones discloses a method comprising:

• extracting configuration information from a database [col 13, lines 38-53]; and

• generating a text-based configuration file containing the extracted configuration

    information [col 13, lines 38-53].

Claims 2, 22, 36 and 46:

Jones discloses wherein the configuration information includes configuration keyword

information [selectively identifying data records reads on keywords, col 13, lines 55-60].

Examiner Notes:

Claim 2 includes "for a messaging application." This limitation will not be given patentable weight because it is drawn to intended use.

Claims 3, 23, 38 and 48:

Jones discloses wherein the database is a relational database [col 13, lines 38-53].

Claims 4, 24, 39 and 49

Jones discloses wherein the database validates the configuration information [col 12, lines 45-50]

Claim 5 and 25

Claim 5 recites "wherein the configuration file is used to configure a messaging application." This limitation will not be given patentable weight because it is drawn to intended use.

Claims 6 and 26:

Jones discloses periodically generating additional text-based configuration files [col 3, lines 37-39].

Claims 7 and 27:

Jones discloses wherein the database includes configuration information for at least one business site [col 1, lines 50-55]

Claims 8 and 28

Jones discloses wherein the configuration information is used by at least one messaging application to transmit a message to a destination [col 1, line 65 – col 2, line 2]

Claims 9-13, 29, 37 and 47:

Jones discloses wherein the configuration information includes a contact [col 6, lines 35-42].

Claims 14, 41 and 51:

Jones discloses a schedule [col 6, lines 35-37].

Claim 15:

Jones discloses a strategy [col 6, lines 40-50]

Claim 16:

Jones discloses a pager type [col 5, line 67]

Claims 17, 30, 43 and 53:

Jones discloses a $include file [col 2, lines 64-66].

Claims 18, 31, 40 and 50:

Jones discloses compiling the configuration file into a compiled file at a later time [col 13, lines 46-53]

Claims 19, 32 and 35:

Jones discloses a portal [col 6, lines 40-53]

Claims 20, 33, 44 and 54:

Jones discloses wherein the receiving is performe3d over a secure communication pathway [col 8, lines 19-32]

Claims 42 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of US Pat No 6,288,688 issued to Hughes et al (hereafter Hughes).

Claim 42 and 52:

Jones discloses the elements of claims 1, 14, 27, 34 and 44 as noted above.

Jones fails to disclose wherein the scheduling tool is at least one from a group consisting

of a windows scheduler or a unix cron.

Hughes discloses wherein the scheduling tool is at least one from a group consisting of a

windows scheduler or a unix cron [Fig 8, col 19, lines 60-67].

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Jones to include wherein the scheduling tool is at least one from a group

consisting of a windows scheduler or a unix cron as taught by Hughes.

The ordinarily skilled artisan would have been motivated to modify Jones per the above

for the purpose of providing a well-known UNIX system level scheduling program that can be

instructed to run other programs at specified times and/or specified time intervals [col 19, lines

60-67].

Response to Arguments

Applicant's arguments filed 8/19/2004 have been fully considered but they are not

persuasive.

Applicant Argues:

Applicant states in the second paragraph of page 11 "The manual editing of information

into the configuration files, as disclosed in Jones, is not the same as the generation of a text-

based configuration file containing configuration information extracted from a database, as

claimed. Editing a text-based configuration file with an editor, for example, will not detect

errors when modifying the files and thereby compromises the integrity of the messaging system.

In some cases, inconsistency in the configuration information may not be discovered until after

an alert message fails to alert the necessary contact and thereby delays a response."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the feature upon which applicant

relies (i.e., error detection capability) is not recited in the rejected claim(s). Although the claims

are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, examiner maintains that the disclosure of Jones reads on the following

claim 1 limitation: *generating a text-based configuration file containing the extracted*

configuration information

The following disclosure, column 7, lines 33-38, reads on above limitation:

As indicated above, the PUMBA application 26 may be designed to receive reports from the WFA host on a known, consistent time interval (e.g., every thirty minutes). The interval should be predefined at the discretion of a system administrator and should be publicly known because a configuration data file, for alerting, contains time periods for alerting based upon this predefined interval. An exemplary flow chart of the operations and functions of the parsing module for the PUMBA application 26 is described below with reference to FIG. 2.

The following disclosure, column 13, lines 46-53, is also pertinent:

As discussed above, the PUMBA application 26 may include two configuration files for each service center. The configuration files can also be stored on the mainframe along with the PUMBA executable files. When monitoring each data record, the two configuration files (i.e., the "center data file" and the "center alert file") must match the service center name provided in the header of the data record or ticket. Thus, the service center name must be part of the data record sent to the manager module. According to a preferred embodiment of the present invention, each of the configuration files may be edited while the PUMBA application is active, and the editing changes may become effective when the next report, after the files are updated, is received by the parsing module. The service centers may edit their files by connecting with the mainframe 20 (e.g. by TELNET) and by using an editor.

The above disclosure by Jones teaches that a system administrator predefines the time interval

for receiving reports, the time interval being included in a configuration file. Furthermore, the

system administrator is able to extract information from the above configuration file retrieved

from the database, edit the information and return the edited file to the database. The editing

changes may become effective when the edited changes are received by the parsing module.

There are thus two instances when the configuration file is generated, i.e., subsequent to

predefinition by the system administrator and subsequent to editing by the system administrator.

Applicant Argues:

Applicant states on page 12 that Bowman-Amuh fails to cure the underlying deficiencies

of Jones including the failure to disclose the limitations of generating a text-based configuration

file containing the extracted information as claimed and applicant states on page 13 that Hughes

fails to cure the deficiencies of Jones including the failure to disclose the limitations of

generating a text-based configuration file containing the extracted configuration information as

claimed.

Examiner Responds:

Examiner is not persuaded. Applicant is referred to supra response by examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703)

872-9306

Etienne LeRoux

12/28/2004

SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
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